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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,940	02/17/2004	Alessandro Dematteis	AGZP:113 US	9367

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EXAMINER	
HAUGLAND, SCOTT J	
ART UNIT	PAPER NUMBER
3654	
MAIL DATE	DELIVERY MODE
10/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/779,940	DEMATTEIS, ALESSANDRO	
	Examiner	Art Unit	
	SCOTT HAUGLAND	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 February 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/23/09 has been entered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the roller having radial holes extending for all the length of the roller recited in claim 16, line 26 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The language of claim 16, line 26 constitutes new matter because there is no disclosure in the application as originally filed that the radial holes of the first tubular body extend for all the length of the roller.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farnsworth (U.S. Pat. No. 1,832,974) in view of Atkins (U.S. Pat. No. 1,120,432), Faeber et al (U.S. Pat. No. 3,037,557), and the admitted prior art of paragraphs [0003] (p. 1) through [0008] (p. 3) of the specification.

Farnsworth discloses a roller for conveying a web comprising a first cylindrical tubular body 1 equipped with a plurality of radial holes arranged in longitudinal rows. The tubular body 1 is capable of rotating with respect to a second inner fixed co-axial body 2. A suction chamber is defined between said first and said second body by means of sliding sealing elements (4,6) that extend radially between the first and second tubular bodies. The sealing elements comprise a fixed portion 4 forming a guide and a bar 6.

Farnsworth does not disclose that the suction chamber extends the full length of the roller. Farnsworth does not explicitly state that the bar 6 can slide in the guide 4 or that the apparatus is a machine selected from the group consisting of rewinding, winding, and interfolding machines.

Atkins teaches making a suction chamber (defined by q, w, v, t, s) of a suction roller extend the full length of the suction roller.

Faeber et al teaches forming a sliding sealing element as a guide 32 and a bar 39 slidable in the guide so as to resiliently engage an inner surface of a cylindrical shaped tubular body 10.

The admitted prior art teaches using a conveying roller having a partial vacuum created inside the rollers in rewinding and interfolding machines to facilitate handling of web material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the suction chamber of the roller of Farnsworth so that it extends the full length of the roller to reduce complexity, number of parts, and cost of the device for uses where adjustability is not required. Assuming that the radial holes do not extend for all the length of the roller, it would have been obvious to distribute the holes to correspond with the suction chamber. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bar 6 slidable in the guide 4 so as to resiliently engage an inner surface of the first cylindrical shaped tubular body as taught by Faeber et al to provide a more reliable seal that can accommodate variations in shape and changes in dimensions (e.g., with temperature) of the tubular bodies.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the conveying roller of Farnsworth in a rewinding or

interfolding machine as taught by the admitted prior art to more efficiently provide the required gripping force on the web material as it is fed through the machine.

Response to Arguments

Applicant's arguments filed 7/23/09 have been fully considered but they are not persuasive.

Applicant argues that the fact that the rejection is based on the combination of four is evidence of inventiveness. However, reliance on a large number of references (assuming that four is a large number) in a rejection does not, without more, weigh against the obviousness of the claimed invention. See In re Gorman, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Applicant argues that the roller in Farnsworth is designed for a Fourdrinier machine and that such a machine is completely different from a rewinding, winding, or interfolding machine. However, the Fourdrinier machine or cylinder machine disclosed in Farnsworth is not completely different from a rewinding, winding, or interfolding machine because it would include means to wind, for example, the finished web. Additionally, the roller is disclosed as usable anywhere else in such a machine that a suction roller may be useful (p. 1, first para.; p. 3, lines 2-6). The various uses of suction rollers for web handling are well known in the art and there is nothing about the Farnsworth roller that limits its use to paper making machines.

Applicant argues that the roller in Farnsworth has only two concentrated groups of holes in lateral portions of the roller and references Fig. 1. However, Fig. 1 does not

individually show all holes that are present in shell 1 of the roller. The illustration implies the continuation of the hole pattern between the limits indicated in Fig. 1 by straight edges. E.g., note Figs. 4 and 5. The holes are present along substantially the entire length of the tubular body or shell 1.

Applicant argues that Farnsworth, Atkins, and Faeber do not teach the solution to the problem of flexion of a long suction roller. However, there is no disclosure in the application of how the disclosed structure solves any problems related to flexion of the roller. Additionally, applicants' device does not appear to have any superiority over Farnsworth or the other references in this regard. Atkins and Faeber teach modifications to the roller in Farnsworth for the reasons set forth in the rejection above. The question of whether or not their teachings relate to solving flexion problems is not relevant since this does not appear to be a problem addressed by applicant or a problem that is present in Farnsworth.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT HAUGLAND whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

/SJH/
10/8/09